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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,562	02/13/2001	Nissim Mass	1874-4014US2	2685

7590 05/20/2003

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EXAMINER

JUSKA, CHERYL ANN

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/781,562	Applicant(s) MASS ET AL.	
	Examiner Cheryl Juska	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6 and 9-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-28 and 33 is/are allowed.
- 6) ☒ Claim(s) 5,9-22 and 29-32 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Amendment B, submitted as Paper No. 5 on February 28, 2003, has been entered. Claim 5 has been amended as requested. The pending claims are 5, 6, and 9-33.

Claim Objections

2. Claim 31 is objected to because of the following informalities: the phrase "between 20% to about 20% to about 50%". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 has been amended to recite "a knitted netting having at least one modified lateral ribbon with reduced lateral shrinkage." As written, it appears that the modified ribbon has the reduced shrinkage rather than the netting as a whole. Additionally, it is unclear what the reduced shrinkage is in comparison to.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. ^{See 5,9-12} Claims 13-22 and 29-32 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a process of knitting a netting having a modified lateral ribbon length by knitting polyolefin ribbons with a corrugated trick plate, does not reasonably provide enablement for a process which is not limited to said trick plate. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The only method disclosed by applicant for making said netting having a modified lateral ribbon length is by use of a corrugated trick plate. However, independent claims 13 and 18, as currently written, encompass making a netting having a modified lateral ribbon length made by another method such as that one taught by the cited Diestel patent. Thus, claims 13-22 and 29-32 are broader in scope than the disclosure of the invention.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the cited Diestel patent in view of the cited Leiber patent, as set forth in section 3 of the last Office Action.

Applicant has amended claim 5 to include the limitation "with reduced lateral shrinkage." However, said amendment is insufficient to overcome the above rejection. As noted in the last Office Action, Diestel teaches a knitted netting having a modified lateral thread which has an actual length greater than the distance between the longitudinal threads (i.e., calculated length).

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Thus, Diestel teaches the claimed method steps of (a) supplying lateral and longitudinal ribbons to a knitting machine and (b) forming at least one modified lateral ribbon. As such, it is argued that the new limitation of "with reduced lateral shrinkage" would be met by the Diestel invention since the netting has a reserve of slack in its lateral threads.

9. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cited Diestel patent in view of the cited Leiber patent.

Although said claims were indicated as containing allowable subject matter in the last Office Action, said indication was in error. Specifically, the Examiner was under the impression that claim 9-12 were dependent upon claim 6 rather than claim 5. As such, claims 9-12 are now rejected as being obvious over the cited prior art.

Although Diestel does not explicitly teach the presently claimed location of the modified ribbons (i.e., outside edges) or that all of the ribbons are modified to at least 10% and 30%, it is argued that these features would have been obvious to one of ordinary skill in the art. In particular, Diestel teaches various placements for the modified threads (see Figures 11d-11f) and various degrees of slack (Figures 4 and 6) in order to obtain various net configurations. Thus, it would have been obvious to one of ordinary skill in the art to select various locations and degrees of slack in order to tailor a net for a particular application. Therefore, claims 9-12 are rejected.

Allowable Subject Matter

10. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims. Claim 6 contains allowable subject matter in that the prior art does not teach or fairly suggest a method of making a knitted netting having the claimed modified lateral ribbon by the use of a corrugated trick plate in the knitting machine.


11. Claims 23-28 and 33 are allowed. Although Diestel teaches many features of the claimed invention, there is no teaching or suggestion in Diestel to make a knitted netting having a modified lateral ribbon length with the use of a corrugated trick plate, as presently claimed.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


CHERYL A. JUSKA
PRIMARY EXAMINER

cj

May 19, 2003